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C O N F I D E N T I A L SECTION 01 OF 02 KIEV 000461

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TAGS: PHUM

SUBJECT: UKRAINE: GONGADZE CASE AND ELECTION POLITICS

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Classified By: Ambassador for reasons 1.4 (b) and (d).

Summary

¶1. (C) Politicians and the judge associated with the Gongadze case, wielding both implied carrots and sticks, have sought the public silence of Myroslava Gongadze -- widow of slain journalist Heorhiy Gongadze -- in the run-up to parliamentary elections in March, according to Myroslava's lawyer Valentyna Telychenko. Telychenko told us that politician Yuriy Boyko, who sought a place on Rada Speaker Lytvyn's electoral list, had suggested to her through intermediaries that Myroslava Gongadze could enrich herself in the run-up to the election by keeping her mouth shut. Telychenko implied that politicians had "encouraged" Judge Hryhoryeva's go-slow strategy; with Lytvyn's bloc battling to make it over the 3-percent threshold for parliamentary representation, public reminders of Lytvyn's alleged instigating role in Heorhiy Gongadze's 2000 murder and subsequent decapitation during the last weeks of this spring's campaign could hurt his chances. Other prominent politicians, including Socialist Party leader Moroz (until recently a fervent backer of Gongadze case prosecution), Justice Minister Holovaty and former Prosecutor General Piskun, would also benefit if Myroslava Gongadze kept a low profile during the campaign. The chief judge in the Gongadze trial, Iryna Hryhoryeva, warned Telychenko January 30 that she feared for Telychenko's personal safety, a message which Telychenko and Gongadze felt was aimed at Myroslava as well. Hryhoryeva also made clear she planned to drag out the trial of three policemen accused of murdering Heorhiy Gongadze with frequent breaks so that any "sensational" testimony from Myroslava or other witnesses would not occur until after the election. End summary.

Threats and Bribes for Gongadze Attorney...

¶2. (SBU) Meeting with Poloffs January 31, attorney Valentyna Telychenko provided disturbing new allegations about the ongoing trial of three former police officers accused of taking part in the 2000 murder and subsequent corporal mutilation of prominent Ukrainian journalist Heorhiy Gongadze (refs A-B). Telychenko represents Gongadze's widow, Myroslava, in the court proceedings, which resumed February 1 in Kiev.

¶3. (C) Telychenko told us that Iryna Hryhoryeva, the chief judge in the trial, cryptically warned her January 30 that: "I am uneasy about your safety," offering no other details, but repeating the phrase another three times during the conversation. Telychenko took the vague warning as an implicit threat, not so much physical but psychological, aimed also at shaking Myroslava Gongadze, who resides in the U.S. as a Voice of America reporter but will return to Ukraine to testify in the trial.

¶4. (C) The judge's strange warning came in the wake of several approaches by intermediaries of Ukrainian Republican Party leader (and ex-NaftoHaz Chairman) Yuriy Boyko to buy Myroslava's silence. Boyko's intermediaries approached Telychenko twice, first in December after the trial's preliminary hearing, and again recently in late January, suggesting that "if you were smart enough, you could make big money in this period," and adding that were Myroslava to avoid mention of Rada Speaker Lytvyn and Ukrainska Pravda editor Olena Prytula, "it would be good for both of you." (Note: Prytula was Heorhiy Gongadze's lover at the time of the murder; he was leaving her apartment when abducted by the police team; she previously had been Lytvyn's protege and rumored lover.) At the time of the first approach in December, Boyko was attempting to gain entry to Lytvyn's electoral list and could have been attempting to curry favor with Lytvyn; the most recent approach came despite Boyko having joined the SPDU(o) in Kravchuk/Medvedchuk-led Ne Tak! bloc in the interim, having failed to join Lytvyn.

¶5. (C) Telychenko noted that the earliest implied threat to Myroslava had come in September, when then-General Prosecutor Piskun made a sick joke during a backstage confrontation after a live TV debate on Fifth Channel that he could "slaughter her" (ref A). In mid-January, a long-time working-level contact in the General Prosecutor's Office

(GPO) suggested to Telychenko that Myroslava "just stop mentioning Piskun" in her public comments because he was "vindictive"; it was unclear whether this was meant as friendly advice or another warning. In the face of these multiple "suggestions," Telychenko noted that she might request that the Security Service of Ukraine (SBU) protect Myroslava during her next visit to Ukraine, in the same way the SBU protected recording Major Melnychenko during his recent visit to Ukraine.

...As the Election Campaign Heats Up

16. (C) Telychenko asserted that Myroslava Gongadze's testimony and usual media coverage during her visits to Ukraine posed a threat to Lytvyn's electoral campaign just as polls showed Lytvyn's bloc on the Rada 3-percent threshold bubble; the Speaker was fighting for every vote he could get.

17. (C) Lytvyn was not the only prominent Ukrainian politician hoping that Myroslava would remain silent during the campaign, Telychenko added. Socialist Party leader Oleksandr Moroz, until recently an avid proponent of prosecuting the Gongadze case, was reportedly "very unhappy" about the prospect of being called as a witness in the trial; Prytula was prepared to testify that Moroz had warned her and Heorhiy Gongadze of "threats to their lives" the month before Gongadze's disappearance and death. Telychenko explained that Moroz may have learned of the plot to kill the muckraking journalist via the infamous Melnychenko recordings (ref B), and would have to explain in court what he knows about the bugging of former President Kuchma's office and why he did not do more to protect Gongadze. Justice Minister Holovaty faced similar scrutiny over what he knew prior to the murder (ref B). Telychenko asserted that the Socialist Party had paid Mykola Melnychenko to "stay home and be quiet" during the parliamentary campaign, adding that the former presidential bodyguard recently reported health problems were directly related to his heavy drinking. Former Prosecutor General Piskun, on Party of Regions' Rada list and seeking to be reinstated as Prosecutor General, also had an interest in Myroslava's silence during the campaign, Telychenko said.

Trial slowdown: No Serious Testimony Before the Elections

18. (C) Assessing the general state of the trial, Telychenko asserted that it was clear that Judge Hryhoryeva had been paid to stall the proceedings and close some testimony to outside observers; there would be no "blockbuster" testimony before election day, whether from Myroslava Gongadze, Prytula, or other key witnesses. When Telychenko tried to arrange with Hryhoryeva a window in mid-February for Myroslava to give her testimony, Hryhoryeva said that defense-related testimony would last through March, given a court schedule of no more than 2-3 short sessions per week. The alleged excuse was that the other judge hearing the case had a second "complex case" to manage. Hryhoryeva had also consistently urged Telychenko to "spend more time preparing and re-reading case documents." Hryhoryeva had also ruled that when police officers were to testify, the court session would be closed. No journalists would be permitted to attend, and the testimony would be classified as "state secrets"; attorneys like Telychenko would be able to attend

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only after signing nondisclosure agreements.

19. (C) Telychenko said the go-slow strategy and difficult courtroom conditions has already sapped media interest in the trial. When the trial resumed January 23, all three defendants admitted their guilt in the murder, though two claimed the murder had not been premeditated. This essential fact was not picked up in any media accounts of the trial, Telychenko lamented.

Comment

10. (C) Whatever the accuracy of Telychenko's unverified allegations and interpretations, clearly there is much going on behind the scenes, with some variously motivated actors wishing to see the case prosecuted openly, expeditiously and fully and others not. Beyond dispute is the lament that, while significant progress has been achieved under the Yushchenko government, justice in the most prominent individual human rights case since Ukrainian independence remains elusive.

11. (U) Visit Embassy Kiev's classified website at:
www.state.sgov.gov/p/eur/kiev.

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